



February 17, 2005

**PUBLIC NOTICE OF APPLICATION for STATE OF WASHINGTON WATER QUALITY
CERTIFICATION UNDER SECTION 401 OF THE FEDERAL CLEAN WATER ACT**

Interested parties are hereby notified that the following application has been received for a water quality certification in accordance with Section 401 of the Federal Clean Water Act, pursuant to the requirements of WAC 173-225

This notice is only intended to inform the public of proposed project, and ask for comments by local, state and federal agencies and the public.

EVALUATION: The decision to issue, deny or condition the water quality certification (WQC), will be based on compliance with the applicable provisions of the federal Clean Water Act and appropriate State aquatic protection requirements.

REQUESTOR: Mr. Tony Gonzalez
Cornerstone Real Estate Group, LLC
P.O. Box 607,
Battle Ground, WA 98604

AGENT OR CONTACT: Mr. Steven Hill
Miller Nash LLP
500 E. Broadway, Suite 400
Vancouver, WA 98660-3324

CORPS AUTHORIZATION #: 200200763 for NWP 39

PROJECT: Phase I is a portion of the Tuxedo Junction Subdivision Development. Phase I includes 52 lots and associated infrastructure (streets and sidewalks) on 15 acres. The entire Tuxedo Junction Subdivision Development encompasses 33 acres and was subject to an enforcement action resulting from unauthorized discharge of dredge materials to waters of the United States. Phase II of this development is not addressed in this Public Notice.

LOCATION: The Tuxedo Junction project site is located on the Northeast corner of NE 11th and NE 142nd Avenue approximately 3.5 miles east of Interstate 5 in the City of Battle Ground, Clark County, Washington. NE quarter of Section 35 in Township 3N, Range 2E of the Willamette Meridian, including all or portion of tax parcel numbers: 228967, 229025 though 229029.

RECEIVING WATER: Depressional wetlands that drain south to Woodin Creek which is a

tributary of Salmon Creek.

PROPOSED ACTIVITIES: To fill 0.32 of an acre (13,939.20 square feet) and excavate 0.15 of an acre (6,534.00 square feet) for a total impact of 0.47 of an acre (20,473.20 square feet) of forested wetlands.

ENVIRONMENTAL IMPACTS AND PROPOSED MITIGATION: In October 2002, two on-site forested wetlands ("A" and "B") were impacted by unpermitted clearing and grading activity. The total impacts from this activity were listed as 26,090 square feet. There were 13,310 square feet of impacts to Wetland A; of this 9,320 square feet is authorized under this Nationwide Permit 39, the remaining 3,990 square feet of impact is proposed to be restored through natural regeneration enhanced with additional plantings. Wetland B sustained 22,110 square feet of impact. All of this area is proposed to be restored through natural regeneration enhanced with additional plantings.

Proposed mitigation includes 0.47 of an acre of off-site wetland creation and 3.76 acres of off-site wetland enhancement in the Mill Creek sub-basin as described in the Wetland Mitigation Report prepared by MRM Consulting revised February 11, 2005.

The application and related documents are available for inspections and copying between the hours of 8:00 a.m. and 5:00 p.m. weekdays at the aforementioned office of Ecology. Further information may be obtained by calling the Southwest Regional Office Public Disclosure Coordinator, at (360) 407- 6365.

Evaluation Criteria: The decision to issue, deny or condition the water quality certification (WQC) will be based on the project's compliance with the applicable provisions of the federal Clean Water Act and all other appropriate State aquatic protection requirements

COMMENT AND REVIEW PERIOD: Ecology is soliciting comments from the public, State, and local agencies and officials, and other interested parties in order to evaluate the impacts of the activity. Any comments received will be considered to determine whether to approve, condition, or deny a certification for the proposed work. **Comments should be sent to:**

Lori Ochoa
Department of Ecology
PO Box 47775
Olympia, WA 98504-7775
loch461@ecy.wa.gov

The comment period will last 20 days, from February 17, 2005 to 5:00 P.M. March 9, 2005.

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